

**FEDERATION OF DUBLIN ANTI-
WATER CHARGES CAMPAIGNS**



**All Dublin Convention: National Concert
Hall March 8th 1997**

**Put the Political Parties on Notice;
Unless The Court Cases Are
Stopped They Will Suffer In The
General Election**

- One thousand three hundred households summoned to court over March, April and May.
- Fifty thousand more in Dublin being pursued for the arrears of an unjust tax.

It must be stopped!

We are not criminals. We are the PAYE taxpayers and pensioners who have kept this country afloat with our taxes for decades.

Our Campaign forced them to abolish the hated water tax. We can make them drop the court cases, also, if we put on enough pressure.

From Monday, March 10th we must swamp the political parties offices and their candidates with a telephone blitz:

- (1)** Ask them what their policy is on decent taxpayers being dragged into court.
- (2)** Why were the super rich and big companies who owed millions given two tax amnesties while the ordinary person is being persecuted?
- (3)** Will they speak out publicly to demand the end of the court cases?
- (4)** Tell them their actions on this will influence your vote. Tell them that there are thousands of households (four votes per household on average) in each constituency who feel the same.
- (5)** If you do not get a satisfactory reply, leave them your telephone number and ask them to ring back when they have decided on what they will do or ring them again in a few days.
- (6)** Organise "tel-coffee" mornings with some neighbours/friends so that when you ring the parties you can tell them that there are a group of people with you, all eagerly awaiting an answer.
- (7)** Ask your Dublin TDs why they haven't opened their mouths while rural TDs strongly supported the Group Water Schemes a few weeks ago when they were campaigning.

Remember: Our aim of **no more Courts** can be won in weeks if everybody pitches in. Ask your friends and neighbours to do so also.

**Please do not leave it to somebody else as
somebody else may have left it to you!**

Fianna Fail

13 Upper Mount Street, Dublin 2
Tel: 676 1551
Fax: 678 5690

Progressive Democrats

25 South Frederick Street, Dublin 2
Tel: 679 4399
Fax: 679 4757

Fine Gael

51 Upper Mount Street, Dublin 2
Tel: 676 1573
Fax: 662 5046

Democratic Left

69 Middle Abbey Street, Dublin 1
Tel: 872 9700
Fax: 872 9238

Labour Party

17 Ely Place, Dublin 2
Tel: 661 2615
Fax: 661 2640

The Green Party

Tel: 677 1436
Fax: 679 7168

PROTEST AT NEXT COURT CASES - This Wednesday, March 12th

Outside Dolphin House, Essex Street (At the rear of Clarence Hotel, off Parliament Street
which leads to Dublin Castle)

ASSEMBLE 10.00AM

Please make every effort to come to send another strong message to the politicians
and the Councils

Civil Process Summons How The System Works and How to Fight It

Water Charges constituted an unjust double tax to begin with. That is only tens of thousands of householders are determined to refuse to pay the arrears sought by the County Councils. The Civil Process is a means of attempting to collect debt through the courts. There are 1,300 households in Dublin summonsed for water tax arrears and 50,000 others behind them. We can frustrate the system and the Councils in their efforts to harass the decent taxpayers and pensioners of Dublin County.

Don't Accept a Summons if Possible:

If you have not yet been summoned, don't make it easy for the Councils. The summons will usually come in a registered letter. You do not have to accept it from the post-person. If a note is left in your home asking you to collect it from the local sorting office, you do not have to do so. The Council would then have to get permission in the District Court to serve by ordinary letter.

Notice of Intention to Defend:

All householders fighting the arrears must sign and send back or a decree will be given without further notice to them.

When Your Case Comes to Court:

The Judge may refuse to give the Council a decree or may give a decree and could award costs to the Council. Costs can vary.

After Court householders can fight on and refuse to pay the arrears or the costs.

What Happens Then?

The Sheriff

The Council can send somebody from the Sheriff's Office who will ask for the money. Householders shouldn't be unduly worried about this.

In fact the Dublin Sheriff's men might as well be visiting Robin Hood in Sherwood Forest! They will get nothing, because, although they may threaten to seize goods, they cannot take anything if:

- It does not belong to the person who has been to court;
- It is on hire purchase;
- It is jointly owned with somebody else;
- It is the subject of a loan.

Naturally everything in the home falls into these categories so the Sheriff will ride off into the sunset, mark "no goods" on the warrant and send it back to the Council!

Examination of Means and Investment Order

Having failed to collect as a result of the decree, if the Councils want to push the matter, they can prepare a new summons to get the householder back into court to examine his/her means. The Court will ask for information on income and expenditure and can make an Instalment Order, that is a demand that the householder pays so much per week or month.

Committal to Prison

The householder can still refuse to pay. The Council if it wants, could then bring the householder back to Court and try to have him/her sent to prison for failing to pay the instalments.

It is extremely unlikely that the Councils would do this as there would be a political storm. Honest PAYE taxpayers and pensioners jailed for refusing to pay an unjust water tax while millionaire tax dodgers get two tax amnesties!

In any case there are many honest taxpayers who would go to jail although this happened only once over water charges. That was in Cork in 1991 and there was such an outcry that it wasn't tried again.

In any case if the Councils wish to continue to pursue householders they will find it impossible to deal with the tens of thousands involved in Dublin.

Judgement Mortgage

One other mechanism the Councils can try is to get the court to register the water charges against the householders home. This means that when the house is sold, the charge and costs would have to be paid and could include interest of 6% per year.

If the Councils want to go to these lengths it will take an extremely long time to process even one householder. In practice it will be absolutely impossible to deal with 50,000.

In time case if the political parties are pursued we can stop the whole court situation.

F.H. O'Reilly & Co. Solicitors

The Campaign has received over the past two years an incredibly efficient and generous service from our solicitors F.H. O'Reilly and staff. without this we could not have defended our members in the Court - something which was a vital part of getting the water charges abolished.

We can never repay our solicitors for the extent of their service but we ask the Campaign supporters to consider engaging them for their own routine, legal requirements.

F.H. O'Reilly & Co. (Solicitors)

*The Red Church,
North Circular Road,
Phibsboro, Dublin 7
Tel: 830 3122*

Note: Any queries about your court case should be made to the co-ordinators rather than to the solicitors, as this could put an intolerable strain on their workload.

Co-ordinators:

Dublin North:	Clare Daly	Tel: 840 8059
Dublin North East:	Owen Poole	Tel: 839 0819
Dublin West:	Joe Higgins	Tel: 820 1753
Dublin South West:	Gregor Kerr	Tel: 494 7025
Dublin South:	Mick Murphy	Tel: 493 4696
Dublin South Central:		
Dun Laoghaire/Rathdown	Emmet Farrell	Tel: 872 9163
	Conor McLoughlin	Tel: 872 9163

General Election Candidates

Dublin West:

Joan Burton TD	(Labour)	Tel: 475 2249 or 662 3898
Austin Currie TD	(FG)	Tel: 671 4410
Tom Morrissey Cllr	(FG)	Tel: 820 2218
Brian Lenihan TD	(FF)	Tel: 822 0970 or 676 4385
Liam Lawlor TD	(FF)	Tel: 628 0507
Sheila Terry Cllr	(PD)	Tel: 821 4169

Dublin North East

Michael Woods	(FF)	Tel: 832 3357
Liam Fitzgerald	(FF)	Tel: 847 0632 or 678 5132
Martin Brady Cllr	(FF)	Tel: 848 4509
Michael Joe Cosgrove	(FG)	Tel: 832 2554
Joan Maher	(FG)	Tel: 832 4840
Tommy Broughan TD	(Lab)	Tel: 847 7434 or 678 9911
Sean Kenny TD	(Lab)	Tel: 848 1806 or 662 0731

Dublin North

Sean Ryan TD	(Lab)	Tel: 843 6254
Nora Owen TD	(FG)	Tel: 890 0395
Philip Jenkinson Cllr	(FG)	Tel: 843 3207
Ray Burke TD	(FF)	Tel: 840 1734
G.V. Wright Cllr	(FF)	Tel: 845 2642
Trevor Sargent TD	(Green)	Tel: 841 2371 or 890 0360

Dublin South

Liz O'Donnell TD	(PDs)	Tel: 679 4411
Alan Shatter TD	(FG)	Tel: 661 0317
Tom Kitt TD	(FF)	Tel: 493 8200
Seamus Brennan TD	(FF)	Tel: 295 7171
Eithne Fitzgerald TD	(Labour)	Tel: 495 5083

Dublin South West

Colm McGrath Cllr	(FF)	Tel: 459 2585
Brian Hayes	(FG)	Tel: 451 8190
Eamonn Walsh TD	(Labour)	Tel: 450 4772
Pat Rabbitte TD	(DL)	Tel: 459 3191
Chris Flood TD	(FF)	Tel: 451 8574
Mary Harney TD	(PD)	Tel: 678 9911

Dun Laoghaire/Rathdown

Niamh Breathnach TD	(Lab)	Tel: 288 9321
David Andrews TD	(FF)	Tel: 285 0070
Eamonn Gilmore TD	(DL)	Tel: 282 1363
Helen Keogh TD	(PD)	Tel: 285 8433
Sean Barrett TD	(FG)	Tel: 285 2077

Documents like these are designed to intimidate decent PAYE taxpayers and pensioners. However, if you know what to expect and what your rights are, there is no need to panic!

First Letter After a Decree

AN CHUIRT DUICHE
DUBLIN METROPOLITAN DISTRICT

THE DISTRICT COURT

Form 13
Rule 7 (1) (c)

Record No.
4706/96

Solicitor
Adrian O'Gorman
COURT NO.

DECREE (SUMMARY JUDGMENT)

(EXCEPTING PROCEEDINGS INSTITUTED IN PURSUANCE OF THE HIRE-PURCHASE ACTS, 1945 AND 1960, AND THE MONEYLENDERS ACT 1933)

between/The County Council of the County of South Dublin having its principal office at Town Centre, Tallaght in the county of Dublin

Plaintiffs
-and-

Dublin 16

in the County of Dublin
and Court Area and District of South Dublin, Defendant

Stamp: DUBLIN METROPOLITAN DISTRICT COURT, 14 AUG 1996

IT APPEARING

1. That a Civil Process for a debt or liquidated money demand was duly served on the Defendant(s) claiming £140.00 for arrears of Domestic Water charges up to and ending the 31st December 1995 due and payable by the Defendant to the Plaintiff for the supply of domestic water in respect of the premises know as Estate, Dublin 16, pursuant to the provisions of the Public Health (Ireland) Act., 1878 as amended and the Local Government (Financial Provisions) (No. 2) Act., 1983; said sum being recoverable as a simple contract debt pursuant to the provisions of the said Acts.,

2. That the Defendant(s) failed to give or send Notice of Intention to Defend such Civil Process.

3. AND IT FURTHER APPEARING by the Affidavit of Patrick McNamara on behalf of the Plaintiff, verifying the said claim, sworn the 12th day of August 1996 and the request for Judgment thereon that the Defendant is justly indebted to the Plaintiff in the sum of £140.00

IT IS THEREFORE ORDERED AND DECREED that the Plaintiff do recover from the Defendant the said sum of £140.00 for debt together with the sum of £20.00 for costs, less credit and all sheriffs and county registrars are hereby commanded to take in execution the goods of the Defendant to satisfy the said debt, costs, witnesses expenses and interest on debt.

Dated at Dublin this 27 AUG 1996 day of 19

Debt £140.00
Costs 33 70

Credit
Total

Signed *M. Fitzpatrick*
Judge of the District Court

Letter from Sheriff when householder doesn't pay after decree

SHERIFF OF DUBLIN COUNTY
JOHN FITZPATRICK
34 ARRAN QUAY
DUBLIN 7.
PHONE: 8724683 8724257 FAX: 8724402
OFFICE HOURS: MONDAY TO FRIDAY
10a.m.-1p.m. and 2p.m.-4p.m.

34 Arran Quay.
Dublin 7.

Date 5/11/96

Warrant/Decree No. 4706/96
Reference :
: *Water Rates*
:
Total Due : *122 75*

Dear Sir/Madam,

SEIZURE OF GOODS PENDING

I refer to my earlier correspondence in connection with the above. Since there has been no response from you I am now arranging to refer the matter to my Seizure Department unless the debt is paid.

Please note that you will also be liable for the extra costs incurred by that Department if seizure takes place.

You should contact this office as a matter of urgency if you wish to avoid such an occurrence.

Yours faithfully,

D. P. BODLEY.

P.P. John M. Fitzpatrick.